

REMARKS/ARGUMENTS

Applicant would like to thank Examiner Wilkens for the helpful and courteous interview held on February 9, 2006. During this interview Applicant's representative presented a proposed Amendment which is reflected in the amendment to Claim 1 above with two changes. One change is the addition of the phrase "a portion of" to the limitation "covering a portion of the top face of the panel." This change has been made in order to make it clear that the entire top face of the panel is not covered, just a portion thereof. See, for example, specification page 4, lines 6-8 and element 6 of Figure 2 described at specification page 17, lines 6-7 forming a small rim or edge protruding over the top face of the panel.¹ The other change is the addition of the word "supporting" to the phrase "supporting tabs" at line 4. This change provides antecedent basis for the phrase "said supporting tabs" appearing in the last line of Claim 1.

As discussed during the interview, the amendments to Claim 1 are fully supported by the present specification. For example, the flat panel is described at specification page 2, lines 21-34 while the unitary polypropylene structure is described at, e.g., specification page 3, line 10 – page 4, line 38, page 5, lines 31-33, and at page 8, lines 11-16. Note also Figures 1, 3 and 4 depicting a unitary structure permanently surrounding the panel around its entire periphery. With regard to the claimed compressive lateral pressure of 5-15 MPa, see specification page 6, lines 10-26, and note the paragraph bridging pages 6 and 7 for one

¹ Note that in Figure 2 the structure depicted by the dashed line (position a) is the structure prior to shrinking, while position b in line drawing represents the shrunk frame with element 6 covering only a portion of the top face of the glass panel. See specification page 16, lines 28ff.

description of the claimed tabs.² New claims 22-26 find support in Claim 1, at page 6, lines 10-26, and at specification page 10, lines 1-23. No new matter has been entered.

As discussed extensively at the interview, presently amended Claim 1 (and new Claim 23 directed to the shelf itself in a manner similar to prior Claim 6) distinguishes the present invention from the prior art cited, namely Goyette, Caruso, Bird, Cherry and Herrmann.

Goyette is perhaps the closest prior art, but fails to disclose a unitary structure permanently surrounding a panel around its entire periphery, as discussed. In this regard, Goyette relies upon cover 56 which is pivotally attached to the frame and which holds the sheet of glass in slot 46 only when closed. See, e.g., Figure 6 of the reference and the paragraph bridging columns 4 and 5 of the reference. Note also Figures 7 and 8, showing pivoting cover 56, as well as column 3, lines 1-6 of the reference which makes it clear that the Goyette structure does not permanently surround the panel around its entire periphery but instead is constructed such that the sheet is freely slidable within a groove within the frame. As discussed and agreed during the interview, the Goyette frame structure is quite different and distinct from that claimed herein.

Caruso similarly fails to disclose or describe the present invention. Caruso is related to an improved crisper module and, in pertinent part, simply describes a plastic frame molded around the edges of a glass panel with steel strips embedded in the molding. See column 2, lines 50-55. As discussed, such molding typically refers to the prior art "encapsulation" method described at page 1 of the present specification. Moreover, Caruso fails to disclose the presently claimed tabs or the compressive lateral pressure of 5-15 MPa applied between an edge of the panel and the polypropylene structure.

² See also specification page 3, lines 10-30 for another description of supporting surfaces on the underside of the plastic (polypropylene) structure variously termed "tongues," "lugs," "studs," and "tabs" in the present specification.

Bird is similar to Caruso in that it describes simple encapsulation, fails to describe a compressive lateral pressure of from 5-15 MPa, and fails to disclose the presence of tabs on an underside of a frame.

In the Cherry shelf only the rear edge of the glass panel and the rear portions of the side edges are received in the support structure. See Figure 2 and column 1, lines 29-36. The structure does not permanently surround the panel around its entire periphery.

Finally, Herrmann, cited for the use of clip 82 in Figure 11, does not, among other differences, disclose the use of tabs on an underside of a frame structure.

In view of the differences between the presently pending claims and what is disclosed or suggested by the combination of prior art, it is respectfully requested that the outstanding prior art rejections be withdrawn, as nothing in even the combination of references would disclose or suggest the presently claimed invention.

With regard to the double patenting rejections, it is noted that these rejections are provisional in nature. Nevertheless, and while Applicant disagrees with these rejections, included herewith is a Terminal Disclaimer over copending patent application Nos. 11/010,260 and 11/147,225. For the sake of completeness, application Serial No. 11/009,087, which is a divisional of the present case, has also been included in the Terminal Disclaimer.

Finally, Applicant has included herewith an Information Disclosure Statement and certified English translations of both their PCT filing and their original French filing. As noted during the interview, these translations are provided in order to establish Applicant's priority filing date of March 27, 2001.

With regard to Applicants' PCT filing, PCT/FR02/00482, to which priority has been claimed and now perfected, see (referring to the English translation) page 1, lines 1-10, the paragraph bridging pages 2 and 3, page 3, lines 10-29, page 4, lines 5-8, page 5, lines 30-31,

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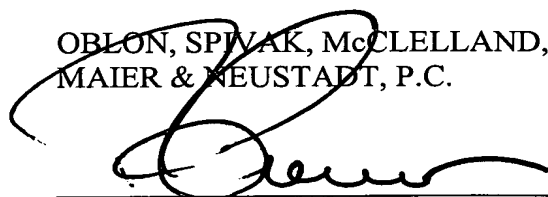
page 6, lines 20-24, page 8, line 12, page 10, lines 3-8 and the Figures, which correspond to those originally filed with the present application.

With regard to Applicant's French filing of March 27, 2001, France 01 04129, to which priority has also been claimed and now perfected, see (again referring to the English translation) page 1, lines 1-10, the paragraph bridging pages 2 and 3, page 3, lines 11-28, page 4, lines 21-22, page 5, lines 20-21, page 6, lines 9-13, page 7, line 27, page 8, lines 18-20, page 14, lines 12-14, page 14, line 35 – page 15, line 12 and Figure 2, corresponding to Figure 2 herein, showing the formation of a small rim or edge protruding over the top face of the panel.

Accordingly, and in view of the discussion held at the Interview, Applicant's effective filing date of date of March 27, 2001, and the differences between what is claimed herein and what is disclosed by the prior art, Applicant respectfully requests that the outstanding rejections be withdrawn and that this case be passed to Issue. Should any questions remain, Examiner Wilkens is requested to contact the below-signed attorney who will expedite any further necessary changes.

Respectfully submitted,

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